

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-cv-393-RJC**

DAVID GREGORY McWHIRTER,)
)
Plaintiff,)
)
v.)
)
INDUSTRIAL BATTERY &)
CHARGER, INC., TERRY K.)
EARNHARDT, RODNEY SELLERS,)
AND KENT HAYES,)
)
Defendants.)
)

THIS MATTER is before the Court on the parties' Joint Motion for Court Approval of Plaintiff's Waiver and Release of FLSA Claims and for Dismissal With Prejudice. The Court finds that the motion is well taken and that good cause exists for the granting of such motion.

IT IS, THEREFORE, ORDERED, with the consent of the parties, that:

1. Plaintiff David Gregory McWhirter dismisses this action and all claims asserted in this action with prejudice.
2. Plaintiff knowingly and voluntarily waives and releases any and all claims he has alleged or may have alleged against Defendants under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*
3. The parties shall bear their own costs.

SO ORDERED.

Signed: January 23, 2009

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

